IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5944 of 2006
Date of decision 17.4.2007.

Ujaggar Kaur

..... petitioner.

versus

State of Punjab & others

..... respondents.

CORAM :- HON'BLE MR.JUSTICE J.S.KHEHAR.
HON'BLE MR.JUSTICE L.N.MITTAL.

Present : Mr. S.P.Thakural, Advocate for the petitioner.
Mr. B.S.Chahal, Assistant Advocate General, Punjab for respondents No.1 to 4.

J.S.KHEHAR. J. (Oral)

The petitioner was selected as a JBT Teacher in the year 1959

and joined in 1960. The post of JBT teachers has a selection grade as well. On account of the belief, that persons junior to the petitioner in the JBT cadre had been granted a selection grade, the petitioner raised a claim before the respondents, that she should also be placed in the selection grade with effect from the date persons junior to her were granted the same. This claim of the petitioner was considered and rejected by an order dated 29.4.2003 issued by the District Education Officer (AA) Ropar. The order dated 29.4.2003 was impugned by the petitioner by filing Civil Writ Petition No.2751 of 2004. The aforesaid writ petition came to be disposed of by an order dated 28.10.2005 wherein the order dated 29.4.2003 was set aside. A direction was accordingly issued to the respondents to consider the claim of the petitioner for grant of selection grade afresh.

The respondents have re-considered the claim of the petitioner for grant of selection grade, and by an order dated 5.12.2005, again rejected her claim. The order dated 5.12.2005 (Annexure P-11) is the subject matter of challenge at the hands of the petitioner through the instant writ petition.

The solitary contention of the learned counsel for the petitioner

while impugning the order dated 5.12.2005 is, that the claim of the petitioner was rejected on the basis of policy decision dated 12.11.1982. It is the contention of the learned counsel for the petitioner that the instructions dated 29.1.1966 are not relatable to the issuance of the grant of selection grade.

We have perused the policy instructions dated 29.1.1966. The same do not relate to the issue of selection grade. The aforesaid policy instructions are limited to the grant of one or more grade increments and/or special pay, which is not what the petitioner is claiming from the respondents. It is, therefore, apparent that the respondents have placed reliance on a policy instructions which is clearly inapplicable to the claim of the petitioner.

In view of the above, we are satisfied that the impugned order dated 5.12.2005 (Annexure P-11) deserves to be set aside. The same is accordingly set aside. The respondents are directed to re-consider the claim of the petitioner for grant of selection grade, and pass an order disposing of the aforesaid claim of the petitioner within one month from the date of receipt of certified copy of this order. Since the claim of the petitioner has

been wrongfully rejected repeatedly, it would be just and appropriate to direct that the claim of the petitioner shall now be considered by respondent No.1 personally.

(L.N.MITTAL)
JUDGE

(J.S.KHEHAR)
JUDGE

April 17, 2007
sv